

JUDGE DAVID G. ESTUDILLO

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,)	No. CR22-5139-DGE
)	
Plaintiff,)	
)	UNOPPOSED DEFENSE MOTION TO
v.)	CONTINUE TRIAL DATE AND
)	PRETRIAL MOTIONS DUE DATE
JOAO RICARDO DEBORBA,)	
)	
Defendant.)	

Joao DeBorba, through his attorney, Federal Public Defender Colin Fieman, respectfully requests a continuance of the trial date to October 24, 2022, with a pretrial motions deadline consistent with the new trial date. The request for continuance is unopposed by the Government, as represented by Assistant United States Attorney Max Shiner.

1) Mr. DeBorba is charged by Indictment with:

COUNT 1 & 2 Unlawful Possession of Firearms and Ammunition,
In violation of 18 U.S.C. § 922(g)(5) and (8);

COUNT 3 Unlawful Possession of a Firearm, in violation of 18
U.S.C. § 922(g)(5);

COUNT 4 & 5 False Statement During Purchase of Firearm, in
violation of 18 U.S.C. § 922(a)(6); and

COUNT 6 False Claim to United States Citizenship, in violation
of 18 U.S.C. § 911.

1 2) On May 6, 2022, Mr. DeBorba was arrested and made his initial
2 appearance in Court before Judge David W. Christel (dkt. 1, 6). An Indictment was
3 returned on May 19, 2022 (dkt. 9) and Mr. DeBorba was arraigned on May 31, 2022
4 (dkt. 13).

5 Trial is presently set for July 25, 2022 with pretrial motions due June 21, 2022
6 (dkt. 13).

7 3) Defense counsel has received initial discovery from the government,
8 consisting of over 9000 pages of written materials, as well as multi-media metadata and
9 YouTube logs.

10 4) Given the voluminous status of discovery thus far, the defense has not
11 been able to conduct substantial investigation of this case or explore potential legal or
12 factual issues for purposes of pretrial motions. In order to provide effective assistance
13 of counsel to Mr. DeBorba for these very serious charges, the defense needs to
14 interview numerous witnesses, possibly conduct forensic testing, and conduct legal
15 research. Given the nature of these charges, and the fact that discovery is voluminous,
16 undersigned counsel require additional time beyond the current trial date of July 25,
17 2022, in order to prepare for trial and file pre-trial motions.

18 For these reasons, the parties request the Court find that:

19 (a) taking into account the exercise of due diligence, a failure to grant a
20 continuance would deny counsel for the defendant the reasonable time necessary for
21 effective preparation, due to counsel's need for more time to review the evidence,
22 consider possible defenses, and gather evidence material to the defense, as set forth in
23 18 U.S.C. § 3161(h)(7)(B)(iv); and

24 (b) a failure to grant a continuance would likely result in a miscarriage of justice,
25 as set forth in 18 U.S.C. § 3161(h)(7)(B)(i); and
26

1 (c) the additional time requested is a reasonable period of delay, as the defendant
2 has requested more time to prepare for trial, to investigate the matter, to gather evidence
3 material to the defense, and to consider possible defenses; and

4 (d) the case is sufficiently complex that it is unreasonable to expect adequate
5 preparation for pretrial proceedings or the trial itself within the current trial schedule, as
6 set forth in 18 U.S.C. § 3161(h)(7)(B)(ii); and

7 (e) the ends of justice will best be served by a continuance, and the ends of
8 justice outweigh the best interests of the public and the defendant in any speedier trial,
9 as set forth in 18 U.S.C. § 3161(h)(7)(A); and

10 (f) the additional time requested between the current trial date of July 25, 2022,
11 and the new trial date of October 24, 2022, is necessary to provide counsel for the
12 defendant reasonable time to prepare for trial considering all of the facts set forth
13 above.

14 Mr. DeBorba has executed a speedy trial waiver through November 15, 2022,
15 which will be filed with this motion.

16 Defense counsel have conferred with Assistant United States Attorney Max
17 Shiner who has no objection to a continuance of the trial date and pretrial motions due
18 date.

19 The parties further ask the Court to exclude the time period from the date of this
20 motion to the new trial date for purposes of computing the time limitations imposed by
21 the Speedy Trial Act.

22 DATED this 16th day of June, 2022.

23 Respectfully submitted,

24 s/ Colin Fieman

25 Federal Public Defender

26 Attorney for Mr. Joao DeBorba